IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1812 of 2003

Between:

1 Dr.P.Subbarama Raju s/o Subba Raju
Flat No.39.,IVth Cross, Sarada Nagar.,
Anantapur District.
2 Dr.T.Suryaprakash s/o Chinnaramanna
S.K.U.Department., Bukkarayasamudram Village & Mandal
Ananthapur District.
3 Dr.K.Ramasubbaiah s/o Balamunappa
R/o 6-2-484.,Ramnagar, Anantapur District.
4 Dr.P.Laxminarayana Reddy s/o Chinnappa Reddy
R/o MIG-369.,A.P.H.B.Colony Anantapur.,
Anantapur District.
5 Dr.M.V.Srinivasan s/o Ramanaiah
Dept.of Physical Education Akuthotapalli.,Near S.K.University,
Anantapur, Anantapur District.

..... PETITIONER

AND

1 Secretary., Higher Education Department.,
Secretariat Buildings.,Hyderabad.
2 Registrar., Sri Krishna Devaraya University.,
Anantapur, Anantapur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to To issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the respondents in not filling up the posts of lecturers in R.D.,History, Library Science, Sericulture and Physical Education on regular basis by considering the petitioners in their respective subjects as arbitrary illegal and consequently direct the respondents to take immediate steps for filling up these vacancies on regular basis.

Counsel for the Petitioner :MR.C.V.NAGARJUNA REDDY

Counsel for the Respondent No.1: M.Ramlingeshwar Reddy, GP FOR HIGHER EDUCATION

Counsel for the Respondent No.2: MR.P.SREE RAMULU NAIDU, S.C.

The Court made the following :

THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.1812 OF 2003

ORDER:

This writ petition is filed seeking to declare the action of the respondents in not filling the posts of lecturers in R.D.Social Work, History, Library Science, Sericulture and Physical Education on regular basis by considering the case of the petitioners in their respective subjects, as arbitrary and illegal and to consequently direct the respondent to take immediate steps for filling these vacancies on regular basis.

The second respondent files a detailed counter. During the course of hearing of the writ petition, the learned Standing Counsel appearing for the second respondent submitted that the Government of Andhra Pradesh gave permission to the second respondent-University to issue notification for making recruitment to those posts.

Therefore, without entering into the merits of the case, I deem it appropriate to dispose of the writ petition directing the second respondent to notify those posts and fill up the said vacancies, as per rules, within a period of six months.

It is contended by the learned counsel for the petitioner that these petitioners have been working with the second respondent-University, and since no recruitment has been made from the year 1997 and in view of latches on the part of the second respondent, the age factor may come in the way of some of the petitioners in making applications.

Therefore, it is for the second respondent to consider the case of the petitioners sympathetically keeping in view the fact that the petitioners have been working for the last eight years and if as per the rules the second respondent has a discretion to relax the age, the second respondent shall consider the same and give relaxation of age as per the rules.

However, it is made clear that till the process of selection is completed the

petitioners shall not be removed from service.

It is brought to the notice of this Court by the learned Standing Counsel for the respondent that the fifth petitioner was already selected and posted as Assistant Professor. Therefore, writ petition insofar as fifth petitioner is concerned is dismissed as having become infructuous.

Insofar as petitioners 1 to 4 is concerned, the writ petition is disposed of with the above observations. No order as to costs.

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K.C.BHANU,J

15th June, 2005.

Mdaa